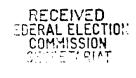
FEDERAL ELECTION COMMISSION 999 E Street, N.W. Washington, D.C. 20463



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### FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 00NF-03 DATE ACTIVATED: 08/14/00



STAFF MEMBER: Michael Scurry

SOURCE:

Internally Generated

RESPONDENTS:

American Federation of Government Employees' Political Action Committee

Bobby L. Harnage, Treasurer

RELEVANT STATUTE(S):

2 U.S.C. § 434(a)(4)(B)

11 C.F.R. § 104.5(c)(3)(i)

INTERNAL REPORTS CHECKED:

Disclosure Reports
Referral Materials

FEDERAL AGENCIES CHECKED:

None

## I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the American Federation of Government Employees' Political Action Committee ("the Committee"), and Bobby L. Harnage, as treasurer (collectively "Respondents"), to the Office of General Counsel on June 15, 2000.

The basis of the RAD referral is the failure of the Committee to file its 1999 December Monthly Report in a timely manner.

<sup>&</sup>lt;sup>1</sup> The Committee subsequently filed its 1999 December Monthly Report on February 16, 2000. It should be noted, the Committee also filed its 2000 February Monthly Report four business days late. This late filing did not satisfy the RAD criteria for referral to the Office of General Counsel.

## II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(4)(B).

## III. <u>DISCUSSION OF CONCILIATION AND CIVIL PENALTY</u>

This Office also recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement (Attachment 2).

# IV. <u>RECOMMENDATIONS</u>

- 1. Open a MUR.
- 2. Find reason to believe American Federation of Government Employees' Political Action Committee and Bobby L. Harnage, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and enter into conciliation prior to a finding of probable cause to believe.
- 3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble General Counsel

Date

BY:

Lois G. Larner

Associate General Counsel

#### Attachments:

- 1. Factual and Legal Analysis
- 2. Proposed agreement



## FEDERAL ELECTION COMMISSION

Washington, DC 20463

### MEMORANDUM

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Office of the Commission Secretary

FROM:

Office of General Counsel



DATE:

September 6, 2000

SUBJECT:

00NF-03- First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of \_\_\_\_\_

Open Session	-	Closed Session	
CIRCULATIONS		DISTRIBUTION	
SENSITIVE 🖂		COMPLIANCE	$\boxtimes$
72 Hour TALLY VOTE	$\boxtimes$	Open/Closed Letters	
24 Hour TALLY VOTE		MUR DSP	
24 Hour NO OBJECTION		STATUS SHEETS	
INFORMATION		Enforcement Litigation PFESP	
		RATING SHEETS	
		AUDIT MATTERS	
		LITIGATION	
		ADVISORY OPINIONS	
		REGULATIONS	
		OTHER	